

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
NORTHERN DIVISION**

**LISA MURPHY
ADC #760343**

PLAINTIFF

V.

CASE NO. 3:20-CV-172-BD

NICOLE LANE

DEFENDANT

INITIAL ORDER FOR PRO SE PRISONER-PLAINTIFFS

You have filed this federal civil rights lawsuit *pro se*, that is, without the help of a lawyer. There are rules and procedures that you must follow to proceed with your lawsuit, even though you are not a lawyer.

First: Follow All Court Rules. You must comply with the Federal Rules of Civil Procedure as well as Local Rules for the Eastern District of Arkansas. Copies of rules can be found in the prison library.

Local Rule 5.5(c)(2) explains requirements for plaintiffs, like you, who are not represented by a lawyer:

1. You must promptly notify the Clerk and the other parties in the case of any change in address. You must inform the Court if you are transferred from one unit to another. Notifying the Court of your change in address is especially important if you are released from custody while your lawsuit is pending. If you do not keep the Court informed as to your current address, your lawsuit can be dismissed.
2. You must monitor the progress of your case and prosecute the case diligently.
3. You must sign all pleadings and other papers filed with the Court, and each paper you file must include your current address.
4. If you fail to timely respond to a Court order directing action on your part, the case may be dismissed, without prejudice.

Second: Pay the Filing Fee. Every civil case filed by a prisoner - including this one - requires the plaintiff to pay a filing fee either at the beginning of

the lawsuit or to apply to proceed *in forma pauperis* (IFP) and pay in monthly installments.

Because of your litigation history, you are not eligible to proceed IFP in federal court absent an allegation that you are in imminent danger of serious physical injury.¹ 28 U.S.C. § 1915(g). You have not pleaded any facts to indicate that you are in imminent danger.

You must pay the \$400 filing fee or provide facts demonstrating how you are imminent danger of serious physical injury within 30 days of the date of this order. Otherwise, the lawsuit will be dismissed.

Third: No Right to Appointed Counsel. This is a civil case. Unlike criminal cases, there is no right to have an appointed lawyer in a civil case. If your case proceeds to a trial, however, a lawyer may be appointed to assist you before trial.

Fourth: Do Not File Your Discovery Requests. Discovery requests, such as interrogatories and requests for documents, are not to be filed with the Court. Instead, discovery requests should be sent to counsel for the defendant (or directly to the defendant if he or she is not represented by a lawyer). No discovery should be sent to a defendant until after that defendant has been served with the complaint.

Fifth: Do Not Send Documents to Court Except in Two Situations. You may send documents or other evidence to the Court only if attached to a motion for summary judgment or in response to a motion for summary judgment; or if the Court orders you to send documents or other evidence.

¹ The following dismissals constitute “strikes” against Ms. Murphy for purposes of determining eligibility for IFP status: *Murphy v. Fisk*, 1:15-CV-50-BSM (E.D. Ark. July 24, 2015) (dismissing for failure to state a claim); *Murphy v. Robinson*, 1:15-CV-47-JM (E.D. Ark. June 24, 2015) (dismissing as frivolous); *Murphy v. Culclager*, 1:15-CV-27-BSM (E.D. Ark. June 5, 2015) (dismissing for failure to state a claim); *Murphy v. Kelly*, 1:15-CV-44-JM (E.D. Ark. Apr. 27, 2015) (same); *Murphy v. Faust*, 1:14-CV-127-JM (E.D. Ark. Nov. 18, 2014) (same); *Murphy v. Hot Springs County*, 6:11-CV-6049 (W.D. Ark. Nov. 7, 2011) (same).

Sixth: Provide a Witness List. If your case is set for trial, as your trial date approaches, you will be asked to provide a witness list. After reviewing the witness list, the Court will subpoena necessary witnesses.

IT IS SO ORDERED, this 26th day of June, 2020.

A handwritten signature in black ink, appearing to read "Belderson", written over a horizontal line.

UNITED STATES MAGISTRATE JUDGE